

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOSE L. RODERICK, JR.,

Plaintiff,

:

Case No. 3:04-cv-037

-vs-

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

MONTGOMERY COUNTY CHILDREN
SERVICES, et al.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #35), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on December 9, 2005, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that

1. Plaintiff's claim for deprivation of procedural due process by listing his spouse's former married name on the Dependency Complaint be dismissed with prejudice because it does not state a claim for relief arising under the United States Constitution;
2. Plaintiff's other federal claims be dismissed without prejudice because this Court is barred from hearing them under the *Rooker-Feldman* doctrine; and

3. All of Plaintiff's remaining non-federal claims be dismissed without prejudice pursuant to 28 U.S.C. §1367.

This case is terminated upon the docket records of this Court.

December 15, 2005

s/Thomas M. Rose

Thomas M. Rose
United States District Judge